

DOCKET FILE COPY ORIGINAL

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

AUG 9 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.622(b) of )  
the Commission's Rules, )  
DTV Table of Allotments )  
(Charleston, South Carolina) )

MM Docket No. 01-128 /  
RM-10133

**COMMENTS OF FANT BROADCAST DEVELOPMENT, L.L.C.**

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys, hereby submits these Comments in response to the Notice of Proposed Rule Making (the "NPRM") proposing that the Commission adopt the proposal of WCSC, Inc. ("WCSC") to substitute DTV channel 47 at Charleston, SC for WCSC's assigned DTV channel 52.

WCSC's proposal, if adopted, would cause interference to the NTSC facilities proposed by Fant in its much earlier filed application for a new NTSC station at Columbia, SC on NTSC Channel 47 (which Fant filed in July 1996). The Engineering Statement attached to these Comments shows that the loss of service on Fant's proposed station on NTSC Channel 47 due to interference from WCSC-DT on DTV Channel 47 as proposed in WCSC's rulemaking proposal would be 4.3% of the population Fant proposes to serve. While Fant has agreed that if the Commission adopts WCSC's proposal, Fant will accept such interference as a condition of receiving its license, Fant would much prefer that the Commission reject WCSC's proposal in view of the conflict with Fant's earlier filed application.

There is no basis for giving WCSC's proposal any preference over Fant's prior filed application. WCSC is seeking to alter its DTV allotment. The Commission has never said that

No. of Copies rec'd 034  
LISTA B O O E

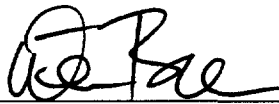
such proposals would have precedence over earlier filed NTSC applications.

Moreover, the Commission has a longstanding policy of fostering the development of emerging television networks. See VHF Drop-In Proceeding, 81 FCC 2d 233 (1980); Interim Policy on VHF Television Channel Assignments, 21 RR 1695 (1961), recon. denied, 21 RR 1710 (1961). Fant has indicated a willingness to affiliate with the WB Television Network, just the type of emerging television network the Commission has said that it wants to foster. Under these circumstances, it is unfair to make Fant wait 5 years now for action on its application, only to cause it to lose 4% of its service area for WCSC's convenience in using a channel in the core.

Wherefore, Fant requests that the Commission not adopt the proposal set forth in the NPRM.

Respectfully submitted,

By: \_\_\_\_\_



Dean R. Brenner  
CRISPIN & BRENNER, P.L.L.C.  
1156 15<sup>th</sup> Street, N.W.  
Suite 1105  
Washington, D.C. 20005  
(202) 828-0155  
Attorney for Fant Broadcast Development, L.L.C.

Dated: August 9, 2001

**Exhibit E-ENG-1**  
**Engineering Statement**  
**Ch 47 WCSC-DT Charleston, SC**  
**Pending Application Study for Columbia, SC**  
by WES, Inc. Broadcast Consultants

Although the allotment of DTV Channel 47 to Charleston, SC as proposed by WCSC-DT would be short spaced to Fant Broadcasting's proposed station NTSC Channel 47 at Columbia, SC, the attached engineering studies show that the short spacing would result in a loss of service on NTSC Channel 47 for a minimal population, and the short spacing would not be critical to the operation of Fant's proposed station.

Specifically, the attached Engineering Exhibit E-FLR-1, a Longley-Rice Study, shows that the amount of interference from WCSC-DT, under the rule making proposal, to Fant's proposed service on NTSC channel 47 would just be 4.3%. However, Exhibits E-2 and E-3 demonstrate that this interference would be limited to a sparsely populated area at the southeastern fringe of Channel 47's service area where there is little or no audience to serve.

Thus, the attached exhibits demonstrate that a grant of WCSC's rulemaking proposal for DTV Channel 47 at Charleston, SC would not cause overwhelming interference to the population who would otherwise receive service from Fant's proposed station on NTSC Channel 47 at Columbia, SC. Fant could take its authorization subject to receiving interference from the operation on DTV Channel 47 at Charleston, SC without suffering any material loss of persons served as opposed to mistakenly lowering their power and receiving more interference rather than less.

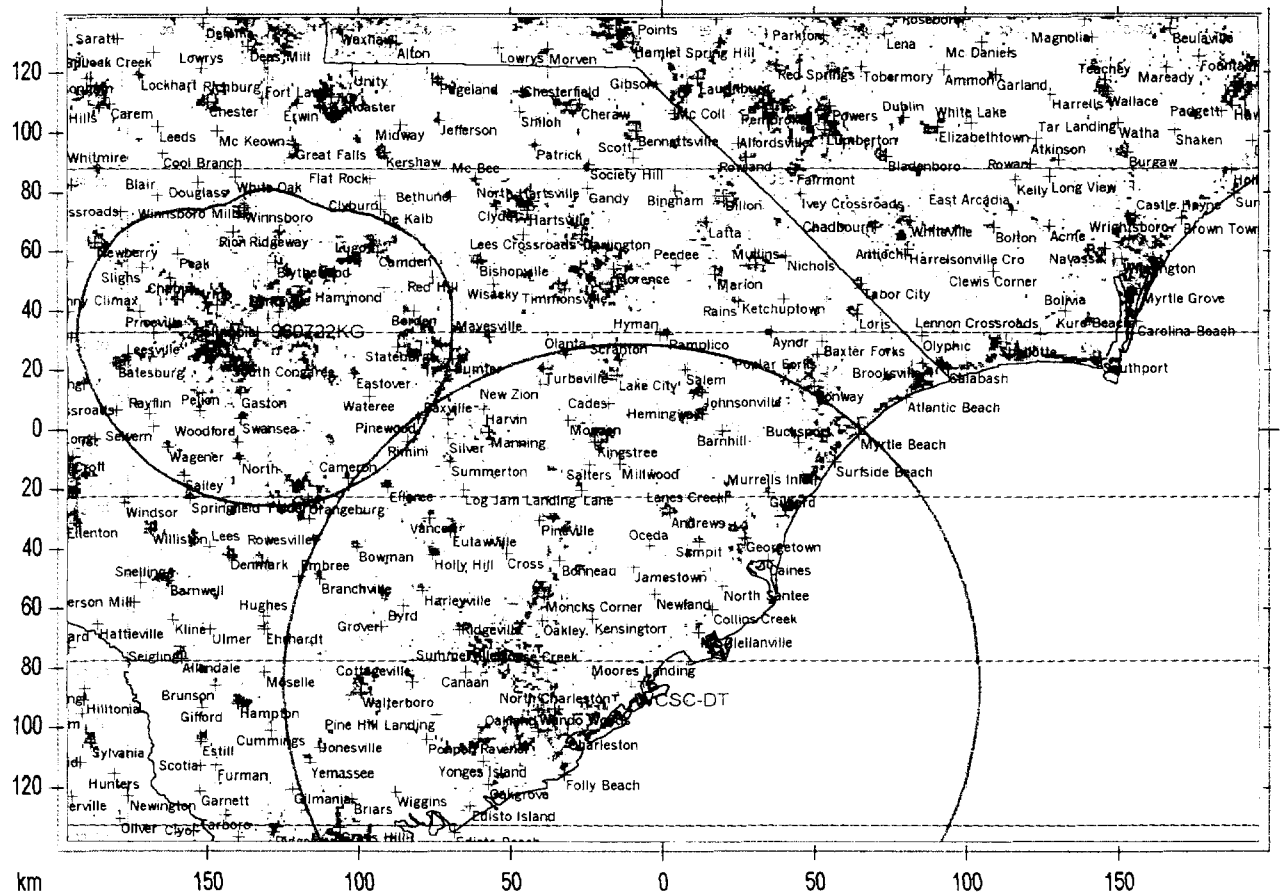
Engineering Exhibit E-FLR-1  
 Ch 47 WCSC-DT Charleston, SC  
 Pending Application Study For Columbia, SC  
 prepared by Wes, Inc. Broadcast Consultants

WCSC-DT N LAT 32-55-28      W LON 79-41-58      ERP:1000 kW AGL:522 m GMSL: 3 m RCAMSL:525 m

Callsign	City	Class	Status	ERP	Sep	Type	Status	Dist	Prot	Clearance	D/U	Rx	Gain	Rx	F/B	Zone	Band	Ch#	Adj	Matrix	Svc	Contour	Svc	Strength	Int	Contour	Int	Strength
960722KG	COLUMBIA	Analog	APP	1500	D/M		Interf	173	245	-71.8	34	0		6		2	UHF	47	Z Co	LR	F(50,50)		64	-		-		

Population before the addition of WCSC-DT to the database not affected by terrain losses:	627,927 persons
Population lost to NTSC before the addition of WCSC-DT:	100,607 persons
Population after the loss to NTSC	527,320 persons
Population after the addition of WCSC-DT to the database	500,550 persons
Population lost to NTSC with WCSC-DT:	26,770 persons
Percentage of population lost with WCSC-DT	4.3 %

## Population within Service Contours

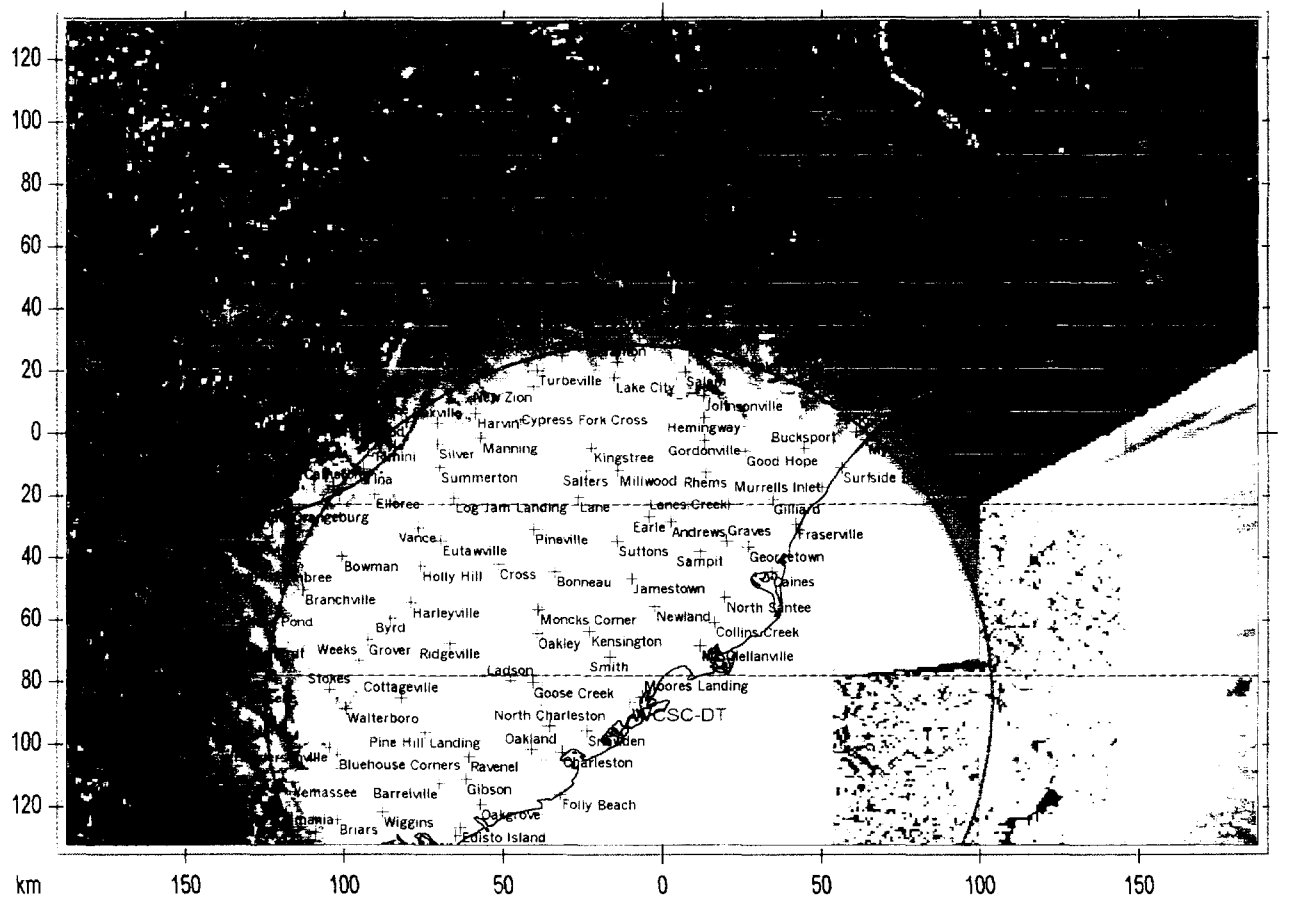


prepared by Wes, Inc. Broadcast Consultants

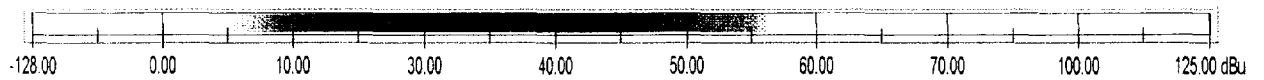


State Borders City Borders Lat/Lon Grid

# Longley-Rice Field Strength Calculation



prepared by Wes, Inc. Broadcast Consultants



State Borders City Borders Lat/Lon Grid


Map Scale: 1:2389020 1 cm = 23.89 km V/H Size: 264.37 x 374.80 km

Wes, Inc.

**DECLARATION**

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Television Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcast Development LLC.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

  
Pete E Myrl Warren, III

Executed on the 20<sup>th</sup> day of July, 2001

**CERTIFICATE OF SERVICE**

I, Dean R. Brenner, do hereby certify that a copy of the foregoing "Comments of Fant Broadcast Development, L.L.C." was served by mail this 8th of August 2001 to:

James R. Bayes  
E. Joseph Knoll, III  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Pam Blumenthal  
Mass Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20005



---

Dean R. Brenner